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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/637,116	08/08/2003	Johnny Steve Han	USP2092A-MLH	3825

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EXAMINER

O CONNOR, CARY E

ART UNIT PAPER NUMBER

3732

DATE MAILED: 11/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/637,116

Applicant(s)

HAN ET AL

Examiner

Cary E. O'Connor

Art Unit

3732

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-16, 20-23 and 28-32 is/are rejected.
- 7) ☒ Claim(s) 17-19 and 24-27 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 August 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>8-8-03</u> | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Double Patenting

Claim 29 is objected to under 37 CFR 1.75 as being a substantial duplicate of claim 28. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Applicant is advised that should claim 28 be found allowable, claim 29 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 11-16, 22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chickering et al (4,875,602) in view of Discko, Jr. et al (5,150,495). Chickering shows (Figure 8) a squirt brush 90 comprising a squeezable bottle having a solution for containing a solution and a hollow nozzle head 94 having opening communicating with the cavity. The squirt brush includes a brush head comprising an elongated brush arm 92 having a brush portion 9a and a portion slidably inserted into the opening, wherein a dispensing channel is formed between the portion of the brush arm located in the opening and the inner wall of the nozzle head for allowing the

solution to pass towards the brush arm. A brush member is provided at the brush portion so that when a squeezing force is applied on the bottle, the solution is released to deliver to the brush member through the dispensing channel (column 5, lines 39-47). The portion of the brush arm inserted into the opening is not formed by a resilient portion for providing an urging force against the inner wall of the nozzle head. Discko, Jr. shows, in Figs. 30 and 31, a dental tool 91 wherein the arm 91A of is resilient and is held in the tubular structure 92 by providing an urging force against the inner wall 92A of the tubular structure. It would have been obvious to one of ordinary skill in the art at the time the invention was made to replace the portion of the brush arm inserted into the opening of Chickering with the resilient portion taught by Discko, Jr., so that the brush arm can be replaced. As to claim 2, note that the diameter of the opening of Discko, Jr. is slightly smaller than the resilient portion 94 of the arm. As to claims 11-13, note that the arm of Discko, Jr. is made of wire and is shaped into a snake-like manner. As to claims 14-16, note that portion 94 of the arm of Discko, Jr. is bent into a V shape. As to claims 22 and 23, note that a sealing cap 16 is provided in Chickering.

Claims 1-7, 14-16, 20 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chickering et al (4,875,602) in view of Dengler (3,174,174). Chickering shows (Figure 8) a squirt brush 90 comprising a squeezable bottle having a solution for containing a solution and a hollow nozzle head 94 having opening communicating with the cavity. The squirt brush includes a brush head comprising an elongated brush arm 92 having a brush portion 9a and a portion slidably inserted into the opening, wherein a dispensing channel is formed between the portion of the brush

arm located in the opening and the inner wall of the nozzle head for allowing the solution to pass towards the brush arm. A brush member is provided at the brush portion so that when a squeezing force is applied on the bottle, the solution is released to deliver to the brush member through the dispensing channel (column 5, lines 39-47). The portion of the brush arm inserted into the opening is not formed by a resilient portion for providing an urging force against the inner wall of the nozzle head. Dengler shows a brush¹⁴ which is attached to the handle 10 by a resilient portion 26 for providing an urging force against the inner wall of the handle. It would have been obvious to one of ordinary skill in the art at the time the invention was made to replace the portion of the brush arm inserted into the opening of Chickering with the resilient portion taught by Dengler, so that the brush arm can be replaced. As to claim 2, note that the width of the opening of Dengler is slightly smaller than the resilient portion of the arm. As to claims 5-7 and 14-16, note that the tail portion 42 of the arm of Dengler is bent into a V or U shape. As to claims 20 and 23, note that a sealing cap 16 is provided in Chickering.

Claims 1-4, 8-10 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chickering et al (4,875,602) in view of Domino (2,761,163). Chickering shows (Figure 8) a squirt brush 90 comprising a squeezable bottle having a solution for containing a solution and a hollow nozzle head 94 having opening communicating with the cavity. The squirt brush includes a brush head comprising an elongated brush arm 92 having a brush portion 9a and a portion slidably inserted into the opening, wherein a dispensing channel is formed between the portion of the brush

arm located in the opening and the inner wall of the nozzle head for allowing the solution to pass towards the brush arm. A brush member is provided at the brush portion so that when a squeezing force is applied on the bottle, the solution is released to deliver to the brush member through the dispensing channel (column 5, lines 39-47). The portion of the brush arm inserted into the opening is not formed by a resilient portion for providing an urging force against the inner wall of the nozzle head. Domino shows a brush 10 which is attached to the handle 12 by a resilient portion 26 for providing an urging force against the inner wall of the handle. It would have been obvious to one of ordinary skill in the art at the time the invention was made to replace the portion of the brush arm inserted into the opening of Chickering with the resilient portion taught by Domino, so that the brush arm can be replaced. As to claim 2, note that the diameter of the opening of Domino is slightly smaller than the resilient portion of the arm. As to claims 8-10, note that the resilient portion of Domino is formed by bending the wiring arm to form a U-shaped structure and then twisting the arm in a continuous "8" shape. As to claim 21, note that a sealing cap 16 is provided in Chickering.

Claims 28, 29, 31 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chickering et al (4,875,602) in view of Discko, Jr. et al (5,150,495) as applied to claims 4, 13 and 16 above, and further in view of Kandelman et al (2003/0224320). The nozzle portion and bottle of Chickering may be formed of two separate pieces joined together (see Figure 1). Chickering does not disclose that these two elements are removable from each other. Kandelman shows a squirt brush where

the nozzle portion 22 may be removably attached to the bottle 10 by threads on the nozzle portion and the bottle. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the squirt brush of Chickering and Discko with threads on the nozzle portion and the bottle, in view of Kandelman, so that the nozzle portion can be removed from the bottle to enable filling of the bottle.

Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chickering et al (4,875,602) in view of Domino (as applied to claim 10 above, and further in view of Kandelman (2003/0224320). The nozzle portion and bottle of Chickering may be formed of two separate pieces joined together (see Figure 1). Chickering does not disclose that these two elements are removable from each other. Kandelman shows a squirt brush where the nozzle portion 22 may be removably attached to the bottle 10 by threads on the nozzle portion and the bottle. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the squirt brush of Chickering and Domino with threads on the nozzle portion and the bottle, in view of Kandelman, so that the nozzle portion can be removed from the bottle to enable filling of the bottle.

Allowable Subject Matter

Claims 17-19 and 24-27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 22C (page 9, line 29). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cary E. O'Connor whose telephone number is 571-272-4715. The examiner can normally be reached on M-Th 7:00-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Shaver can be reached on 571-272-4720. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Cary E. O'Connor
Primary Examiner
Art Unit 3732

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